



**First Five-Year Review Report
for
Lower Ecorse Creek Dump Site
Wyandotte
Wayne County, Michigan**

May, 2006



PREPARED BY:

**United States Environmental Protection Agency
Region 5
Chicago, Illinois**

Approved by:

Richard C. Karl
Richard C. Karl
Director
Superfund Division

Date:

6-1-06

Five-Year Review Report

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List of Acronyms

ARARs	Applicable or Relevant and Appropriate Requirements
Agency	United States Environmental Protection Agency
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COCs	Contaminants of Concern
CPC	Contaminant(s) of Potential Concern
FCOR	Final Close Out Report
FS	Feasibility Study
IC	Institutional Controls
MDEQ	Michigan Department of Environmental Quality
NPL	National Priorities List
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
PCOR	Preliminary Close Out Report
PPB	Parts per billion
PPM	Parts per million
QAPP	Quality Assurance Project Plan
RA	Remedial Action
RD	Remedial Design
RAOs	Remedial Action Objectives
RI	Remedial Investigation
ROD	Record of Decision
U.S. EPA	United State Environmental Protection Agency
UAO	Unilateral Administrative Order

Executive Summary

The Lower Ecorse Creek Dump (LECD) Site, as defined in the 1996 Record of Decision (ROD) is located in Section 17, R1IE, T3SN in the City of Wyandotte, Wayne County, Michigan (Attachment 1, Figure 1). The City of Wyandotte is located about 6 miles southwest of the City of Detroit.

The 1996 ROD addressed both surface and subsurface soil cyanide contamination, and Site restoration. The remedy included the following major components:

- Excavation and disposal of shallow and deep contaminated soil;
- Resampling of locations identified in the Remedial Investigation which showed contaminant levels above cleanup standards to determine the extent of contamination; and,
- Restoration of residential areas affected by excavation.

The 1996 ROD for the Site concluded that because the selected remedy will not result in hazardous substances remaining on-site above health-based levels, the five year review will not apply to this action.

In 2001, ROD Amendment #1 was signed. The ROD amendment specifically addressed a change to the remedy for the part of the Lower Ecorse Creek Dump Site referred to as the Park Area (Attachment 1, Figure 3). This decision presented in the 2001 ROD amendment in no way affects the selected remedy for the rest of the Lower Ecorse Creek Site and the remedy for the remainder of the Site remains unchanged. This Five Year Review therefore, focuses on the portion of the remedy addressed in the 2001 ROD amendment.

The 2001 ROD amendment selected institutional controls (ICs) and monitoring and maintenance of the clean fill cover as the most appropriate remedy for the Park Area portion of the LEC Site. The institutional controls should permanently restrict the use of the land and groundwater at the City of Wyandotte Park Area. The remedy for all portions of the Site, other than the Park Area, remain as specified in the 1996 Record of Decision for the Site.

ICs are legal or administrative controls which, in this case, protect the remedy and control use of the property. ICs are required when the implementation of the remedy does not allow for unrestricted use and unlimited exposure (UU/UE). Therefore, the Park Area which contains residual contamination must include ICs.

On April 15, 2002, the City of Wyandotte filed a Declaration of Restrictive Covenant with the Wayne County Register of Deeds (Appendix 1). The Covenant states that the City of Wyandotte shall restrict the uses of the Park to uses compatible with the selected remedy.

The entire Site was deleted from the National Priorities List on July 1, 2005.

Based on a review of all relevant documents, the results of the title commitment (Attachment 4) and the result of the Site inspection, the remedy is functioning as intended by the 2001 ROD Amendment #1. There are no changes in the physical conditions, standards, to be considered

guidelines or exposure pathways that affect the Park area. No other events have affected the protectiveness of this remedy.

The remedy is protective because all remedial actions are protective of human health and the environment. The restrictive covenants, as detailed in the 2001 ROD amendment #1 are in place. The City of Wyandotte Michigan has implemented the restrictive covenants as described in the UAO. The cover on the Park area remains in place and prevents exposure to underlying contamination.

Five-Year Review Summary Form

SITE IDENTIFICATION		
Site name: Lower Ecorse Creek Dump Site		
EPA ID: MID985574227		
Region: 5	State: MI	City/County: Wyandotte/ Wayne County
SITE STATUS		
NPL status: Deleted		
Remediation status: Complete		
Multiple OUs? NO	Construction completion date: Not applicable	
Has site been put into reuse? YES		
REVIEW STATUS		
Lead agency: U.S. EPA		
Author name: Brenda R. Jones		
Author title: Remedial Project Manager	Author affiliation: U.S. EPA Region 5	
Review period: 12/09/2005 to 05/2006		
Date(s) of site inspection: 03/23/2006		
Type of review: Post-SARA		
Review number: first		
Triggering action: Other (specify): ROD amendment signature date		
Triggering action date (from WasteLAN): July 13, 2001		
Due date (five years after triggering action date): July 13, 2006		

Five-Year Review Summary Form, cont'd.

Issues:

There are no issues currently associated with the Park area of the Lower Ecorse Creek Dump Site.

Recommendations and Follow-up Actions:

There are no recommendations or follow-up actions currently associated with the Park area of the Lower Ecorse Creek Dump Site.

Protectiveness Statement(s):

The remedy is protective because all remedial actions are protective of human health and the environment. The restrictive covenants, as detailed in the 2001 ROD amendment #1 are in place. The City of Wyandotte Michigan has implemented the restrictive covenants as described in the UAO. The cover on the Park area remains in place and prevents exposure to underlying contamination.

U.S. EPA has determined that the Site conditions continue to meet the goals and the ICs continue to meet the objectives set forth in the 2001 ROD Amendment and the UAO. Based upon this review, including a review of an updated title search, U.S. EPA determined that the ICs are adequately implemented, monitored and enforced. As a result of this Five Year Review, the Institutional Controls Tracking System will be updated.

Other Comments:

None

Five-Year Review Report

I. Introduction

The purpose of Five-Year Reviews is to determine whether the remedy at a site is protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in Five-Year Review reports. In addition, Five-Year Review reports identify issues found during the review, if any, and recommendations to address them.

The Agency is preparing this Five-Year Review pursuant to CERCLA §121 and the National Contingency Plan (NCP). CERCLA §121 states:

If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section [104] or [106], the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

The agency interpreted this requirement further in the National Contingency Plan (NCP); 40 CFR §300.430(f)(4)(ii) states:

If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after the initiation of the selected remedial action.

The United States Environmental Protection Agency (U.S. EPA) Region 5 conducted the Five-Year Review of the remedial actions implemented at the Lower Ecorse Creek Dump site in Wyandotte, Michigan. This review was conducted from December 9, 2005 through May, 2006. This report documents the results of the review. The Michigan Department of Environmental Quality (MDEQ) provided support in the development of this Five-Year Review.

This is the first Five-Year Review for the Lower Ecorse Creek Site. The triggering action for this review is the date that the Amendment to the Record of Decision (ROD) was signed, as shown in US EPA's WasteLAN database: July 13, 2001. This five year review is being performed because the selected remedy for the Site included leaving hazardous substances, pollutants or contaminants on Site above levels that allow for unlimited use and unrestricted exposure.

II. Site Chronology

Table 1: Chronology of Site Events

Event	Date
Initial discovery of problem or contamination: residential owner reported blue soil to Wayne Co Health Department	1989
Pre-NPL responses:	
ATSDR Health Consultations	11/89, 07/90, 11/90 & 03/91
USEPA removal actions	12/89, 08/91, 01/93, 11/93
ATSDR issued Public Health Advisory	08/13/93
NPL listing:	
Proposed	January 19, 1994
Final	May 31, 1994
Deleted	July 1, 2005
Removal actions	12/89, 8/91, 1/93 11/93, 03/95
Remedial Investigation/Feasibility Study	Final RI: 02/96 Final FS: 04/96
Record Of Decision	July 17, 1996
ROD Amendment #1	July 13, 2001
Enforcement document: UAO with City of Wyandotte, Michigan	February 12, 2002
Superfund State Contract Remedial Activities	September 23, 1997
SSC Amendment #1	March 22, 1993
SSC Amendment #2	December 22, 1999
SSC Amendment #3	August 25, 2000
Actual remedial action start	May, 1998
Construction dates	May 1998 – September, 2000 and September 2002 – June, 2003
Construction completion date	September 1, 1998
Preliminary Close-out Report	September 1, 1998

Table 1: Chronology of Site Events

Event	Date
Final Close-out Report	January 28, 2005

III. Background

Site Name, Location, and Description

The Lower Ecorse Creek Dump (LECD) Site, as defined in the 1996 Record of Decision (ROD) is located in Section 17, R1IE, T3SN in the City of Wyandotte, Wayne County, Michigan (Attachment 1, Figure 1). The City of Wyandotte is located about 6 miles southwest of the City of Detroit. The 1996 definition of the Site area includes six residential blocks centered on the 400 block of North Drive. The Detroit and Toledo Railroad tracks are located east of the residential area. The Ecorse River borders the Site to the north and west. Directly north of the Ecorse River are the Downriver Communities Combined Sewer Overflow Treatment Plant and the abandoned Great Lakes Steel Foundry. Two lots located at 2303 Oak Street are also included as part of the 1996 definition of the Site (Attachment 1, Figure 2). The Oak Street Site is located approximately 1.5 miles southwest of the North Drive properties and the corner of 23rd Avenue and Oak. Street.

In 2001, ROD Amendment #1 was signed. The ROD amendment specifically addressed a change to the remedy for the part of the Lower Ecorse Creek Dump Site referred to as the Park Area (Attachment 1, Figure 3). This decision presented in the 2001 ROD amendment in no way affects the selected remedy for the rest of the Lower Ecorse Creek Site and the remedy for the remainder of the Site remains unchanged.

The 1996 ROD for the Site states that because the selected remedy will not result in hazardous substances remaining on-site above health-based levels, the five year review will not apply to this action. Therefore, it is only the Park area, described in the 2001 ROD amendment, that forms the basis for this five year review. All other portions of the Site are allowed unlimited use and unrestricted access.

The 2005 Final Close Out Report (USEPA 2005) for the Site states that “The Five-Year Review will include an evaluation of the effectiveness of the deed restrictions on the park area property, and the condition of the soil cover.” Therefore, the rest of this Five-Year Review will focus on the Park area.

Land and Resource Use

The Park area is about 1 acre in size and has a small playground equipment area, swing set, pavilion and basketball court, but most of the property is grass covered and is for general recreational use. The Park is owned by the City of Wyandotte, Michigan. Through conversations

and correspondence, the City of Wyandotte has stated that they intend to continue to use this property as a park into the foreseeable future. Areas surrounding the park are expected to remain residential.

History of Contamination

Before 1930, land near the banks of the Ecorse River in Wyandotte was comprised of wetlands. A 1937 aerial photograph shows the wetlands and small brook that flowed to the river between lots 23/24 (470/480 North Drive) and lot 27 (446 North Drive). A 1951 photograph indicates that most of the wetland area had been filled, and residential development along North Drive had occurred.

By 1957 the river had been rechanneled. The confluence of the north and south branches of the river were relocated from north of lot 43 (304 North Drive). Extensive fill is evident north of the Ecorse River. Modifications to the river in the early 1980s involved straightening the south bank of the river at the rear of several residential properties in the area, reportedly using construction debris as fill. Interviews with local residents indicate that the homes on North Drive were built from about the 1920s through the 1980s.

In 1989, the owner of the residence at 470/480 North Drive (Lots 23/24) reported to the Wayne County Health Department (WCHD) that workers excavating on their property had encountered blue-colored soil. The WCHD contacted the Agency for Toxic Substances and Disease Registry (ATSDR), and both agencies subsequently contacted U.S. EPA for further investigation. The U.S. EPA found a large area of soil contaminated with ferric ferrocyanide. It is suspected that the waste came from a coal-gasification plant. Blue-colored water was observed in the basement sump of the house on lots 23/24. Blue stains were also seen on the basement walls of the house.

Initial Response

The information presented below pertains to the residential areas of the LECD Site.

The ATSDR issued health consultations on the Site in November 1989, July 1990, November 1990, and March 1991. In these consultations, ATSDR concluded that the Site posed a significant health threat and recommended that residents avoid contact with contaminated areas until permanent measures could be completed.

In December 1989, the U.S. EPA covered the areas of visible contamination at the Site with six inches of clean topsoil, to provide a temporary cover while further investigation went on and a permanent solution was developed. After it was reported that the new soil was eroding away, additional soil was added to the cover in August 1991. In January, 1993, the owner of the residence at Lots 23/24 reported that his basement had flooded with blue-colored water. U.S. EPA investigators found that these waters contained high concentrations of cyanide.

In November 1993, the U.S. EPA began a time-critical removal action at the Site. Based upon U.S. EPA soil sampling results cyanide contaminated soils from around the residence at Lots

23/24 and Lots 91/92 were removed and disposed of off-site. The foundations at both residences were also found to be deteriorated by the acidic nature of the waste. Repairs were made by U.S. EPA to both foundations. The excavation of contaminated soil around the residence and Site restoration were complete by January 1994.

Basis for Taking Action

The final remedial investigation (RI) report was released to the public in February 1996. The final feasibility study (FS) was released to the public on April 15, 1996.

The July 1996 ROD documented that the threats posed by this Site to human health and the environment are primarily from cyanide contaminated soil. Other contaminants are present, e.g. semi-volatile organic compounds, however, they do not pose an unacceptable risk.

A portion of the RI/FS focused on isolated spots of contamination found in the Park. Sampling of the Park during the RI revealed 3 small areas of subsurface soil with lead and/or arsenic above cleanup standards. When excavation continued at the Park in March 2000, a layer of debris was found three to four feet beneath the surface. This material had no similarities to the cyanide waste found elsewhere at the Site.

When the material was sampled, elevated levels of lead and arsenic slightly above the State of Michigan's cleanup standards were found. Nine test excavations were dug to determine the extent of this waste layer. Those tests showed that the layer of debris exists under most of the park and is about six feet thick with three feet of clean fill above the waste layer. However the material does not continue onto adjacent properties. None of the material in any of the test pits exhibited the same physical characteristics as the cyanide contaminated waste found on other properties. The debris appears to be general household waste disposed of many years ago and consisting of things such as broken glass, rags, shoes and other garbage.

Based upon the results of the test pit work it was estimated that 10,000 cubic yards of material would need to be removed from the Park Area to meet the requirements of the original ROD and address the lead and arsenic exceedances.

IV. Remedial Actions

Remedy Selection

The 1996 ROD addressed both surface and subsurface soil cyanide contamination, and Site restoration. The remedy included the following major components:

- Excavation and disposal of shallow and deep contaminated soil;
- Resampling of locations identified in the Remedial Investigation which showed contaminant levels above cleanup standards to determine the extent of contamination; and,
- Restoration of residential areas affected by excavation.

The Final Remedial Action Report was approved by U.S. EPA on December 17, 2003. The Final Remedial Action Report is comprised of the September 20, 2000, Remedial Action Report and the July 25, 2002, Remedial Action Report. Remedial actions were implemented, as described in the 1996 ROD. These actions were performed on areas other than the Park Area. The actions were taken in May 1998 – September, 2000 and September 2002 – June, 2003.

The 2005 Final Close Out Report (USEPA 2005) for the Site states that “The Five-Year Review will include an evaluation of the effectiveness of the deed restrictions on the park area property, and the condition of the soil cover.” Therefore, the rest of this Five-Year Review will focus on the Park area.

Surface soil sample results from 15 locations around the Park area, taken during the RI, did not contain contaminants above State of Michigan cleanup standards. Additionally, as previously mentioned, the City of Wyandotte has stated that they intend to continue to use this property as a park into the foreseeable future. Given the volume of waste in the Park Area and the current Site conditions with the waste material being located below at least three feet of clean fill, preventing the public from coming in contact with the contaminants, and the low level threat posed by the waste, the U.S. EPA determined it appropriate to leave the waste in place if permanent land-use restrictions are put in place.

Based on this, the 2001 ROD amendment selected institutional controls (ICs) and monitoring and maintenance of the clean fill cover as the most appropriate remedy for the Park Area portion of the LECD Site. The institutional controls should permanently restrict the use of the land and groundwater at the City of Wyandotte Park Area. The remedy for all portions of the Site, other than the Park Area, remain as specified in the 1996 Record of Decision for the Site.

ICs are legal or administrative controls which, in this case, protect the remedy and control use of the property. ICs are required when the implementation of the remedy does not allow for unrestricted use and unlimited exposure (UU/UE). Therefore, the Park Area which contains residual contamination must include ICs.

Pursuant to Michigan Act 451 Part 201 and U.S. EPA’s February 12, 2002 Unilateral Administrative Order (UAO), the selected remedy for the Park Area requires restrictive covenants including, but not limited to, notice to future property owners of contamination at the Site and deed restrictions to regulate the land use of the Park Area. The purpose of these restrictions is to prevent exposure to Site contaminants and prevent erosion of the existing soil cover. If for any reason deed restrictions are not placed on the Park Area property, then the original remedy selected in the 1996 ROD will be implemented at the Park Area property.

Remedy Implementation

Based upon the 2001 ROD Amendment, no engineered remedial actions were necessary specific to the Park area. The remedy decision incorporated the existing remedy for the Park, where at least 3 feet of clean fill overlays the slightly contaminated soil and debris, along with proprietary

institutional controls in the form of a Restrictive Covenant in order to protect the remedy and assure no inconsistent uses of the underlying soil and debris and groundwater.

In March, 2002, U.S. EPA issued a UAO to the City of Wyandotte, Michigan directing the City to perform the selected remedial action for the remedy as described in the 2001 ROD Amendment #1. Since all remedial actions described in the 1996 ROD were complete and since the City owns only the Park Area, the Order concerned only implementation of the remedy for the Park Area.

For the Park Area, the ICs consist of proprietary controls in the form of Restrictive Covenants as is required by the ROD Amendment #1. The objectives of the ICs for the Park area are to protect the remedy and assure no inconsistent use of the soil or groundwater at that area of the Site. Although groundwater has not been found to be contaminated, U.S. EPA included the requirement that groundwater use be off-limits, within the Park area, as an added safety measure. U.S. EPA determined that the use of the area as a public Park is consistent with the recreational land use assumptions for the remedy and is an appropriate use of that area.

On April 15, 2002, the City of Wyandotte filed a Declaration of Restrictive Covenant with the Wayne County Register of Deeds (Appendix 1). The Covenant states that the City of Wyandotte shall restrict the uses of the Park to uses compatible with the selected remedy specifically including:

1. The Owner (City of Wyandotte) shall restrict activities at the Property (Park Area) that may interfere with a remedial action, operation and maintenance, monitoring, or other measures necessary to assure the effectiveness and integrity of the remedial action.
2. The Owner shall not allow extraction of any groundwater for domestic or industrial use through a well or any other device located within the Property.
3. The Owner shall at all times ensure isolation of the water layer by continuously implementing the operation and maintenance requirements set forth in paragraph 31 of the UAO and Appendix A of the Restrictive Covenant.
4. The Owner shall provide notice to U.S. EPA and MDEQ of the Owner's intent to convey any interest in the Property 30 days prior to consummating the conveyance. A conveyance of title, an easement, or other interest in the Property shall not be consummated by the Property owner without adequate and complete provision for compliance with the terms and conditions of the Covenant.
5. The Owner shall grant U.S. EPA and MDEQ and each Agency's designated representative the right to enter the Property at reasonable times for the purpose of monitoring compliance with the ROD and UAO, including the right to take samples, inspect the operation of the remedial action measures and inspect records.

The Restrictive Covenant runs with the Property and shall be binding upon all future owners, successors, lessees or assigns and their authorized agents, employees, or persons acting under their direction and control.

Annual operations and maintenance (O&M) costs for the selected remedy for the Park Area are not available. However, the 2001 ROD estimates that capital costs will be \$3,000; present worth

costs are \$35,340 and time to implementation to be 3 months.

V. Progress Since the Last Review

This is the first Five-Year Review for the LECD Site.

VI. Five-Year Review Process

Administrative Components of the Five-Year Review Process

The Lower Ecorse Creek Dump Site Five-Year Review was led by Brenda R. Jones of the U.S. EPA, Remedial Project Manager (RPM) for the Site and Cheryl Allen, Community Involvement Coordinator (CIC). Sunny Krajcovic of MDEQ, assisted in the review as the representative for the support agency.

The review, which began on December 9, 2005 consisted of the following components:

1. Community Involvement;
2. Document Review;
3. Data Review;
4. Site Inspection; and
5. Five-Year Review Report Development and Review.

Community Notification and Involvement

Activities to involve the community in the Five-Year Review were initiated on December 9, 2005 between the RPM and the CIC. A notice was sent to *The News-Herald*, the local paper in Wyandotte, Michigan. The notice was published on January 29, 2006 and invited the public to submit any comments to the U.S. EPA. A copy of the notice is presented as attachment 2.

No comments have been received to date. The results of the review and report will be made available at the local information repository at Bacon Memorial Library, Wyandotte, Michigan.

Document Review

This Five-Year Review consisted of a review of relevant documents including operation and monitoring records and monitoring data. Attachment 3 lists the documents reviewed for this report.

In 2006, U.S. EPA procured a title commitment to evaluate whether the restrictive covenant filed by the City of Wyandotte, Michigan with the Wayne County Register of Deeds emerged during the search. To the satisfaction of the ROD Amendment #1 requirements, the restrictive covenant was found during the search. In addition, the Park property is owned in fee simple by the City of Wyandotte, and there do not appear to be any easements, restrictions, or other currently effective encumbrances on the property that would interfere with the remedy. Note that the initial

restriction on the property expired in 1942. Also the title commitment confirmed that Wyandotte filed the restrictive covenant required by U.S. EPA's February 12, 2002 UAO.

The Title Commitment is presented in Attachment 4.

Data Review

The remedy for the Park Area is maintenance of the existing 3 feet of clean cover, institutional controls and monitoring. There are no analytical data to review for this Five-Year Review.

Site Inspection

On March 23, 2006, U.S. EPA, MDEQ and a representative from Wyandotte, Michigan performed an inspection of the Site. A detailed trip report and photographs can be found in Attachment 5. Briefly, all parties walked the Site, inspecting the conditions of the cover and shoreline along the Creek.

Visual inspection of the Park show the cover to be in good shape. There is no visual evidence of cracking, sliding, settling or breaches of the protective layer of soil. There is also no evidence of erosion of subsurface materials into the Creek. The City of Wyandotte has complied with the terms of the AOC.

VII. Technical Assessment

Question A: Is the remedy functioning as intended in the decision documents?

Yes

Based on a review of all relevant documents, the results of the title commitment (Attachment 4) and the result of the Site inspection, the remedy is functioning as intended by the 2001 ROD Amendment #1.

The Restrictive Covenant has been determined to be functioning as intended by the 2001 ROD Amendment and UAO. The Restrictive Covenant has been adequately implemented; it runs with the land and binds all future owners, and the use restrictions adequately protect the remedy and assure no future inconsistent land uses. The Restrictive Covenant grants to U.S. EPA and the MDEQ the authority to monitor compliance with the ROD and UAO.

Appendix 1 presents the restrictive covenant filed by the City of Wyandotte, Michigan with the Wayne County Register of Deeds, as required by the February 12, 2002 UAO issued by U.S. EPA to the City of Wyandotte.

Question B: Are the exposure assumptions, toxicity data, cleanup levels and remedial action objectives (RAOs) used at the time of remedy selection still valid?

Yes

There have been no changes in the physical conditions of the Park Area that would affect the protectiveness of the remedy. There are no changes in standards, to be considered guidelines, or exposure pathways from the 2001 ROD Amendment#1.

Question C: Has any other information come to light that could call into question the protectiveness of the remedy?

No

No other events have affected the protectiveness of the remedy and there is no other information that calls into question the protectiveness of the remedy.

Technical Assessment Summary

Based on a review of all relevant documents, the results of the title commitment (Attachment 4) and the result of the Site inspection, the remedy is functioning as intended by the 2001 ROD Amendment #1. There are no changes in the physical conditions, standards, to be consider guidelines or exposure pathways that affect the Park area. No other events have affected the protectiveness of this remedy. The restrictive covenants required by ROD amendment #1 are in place and filed properly with the Wayne County Recorder of Deeds. There is no other information available that calls into question the protectiveness of the remedy.

VII. Issues

There are no issues currently associated with the Park area of the Lower Ecorse Creek Dump Site.

IX. Recommendations and Follow-up Actions

There are no recommendations or follow-up actions currently associated with the Park area of the Lower Ecorse Creek Dump Site.

X. Protectiveness Statement(s)

The remedy is protective.

The restrictive covenants, as detailed in the 2001 ROD amendment #1 are in place. The City of Wyandotte Michigan has implemented the restrictive covenants as described in the UAO. The

cover on the Park area remains in place and prevents exposure to underlying contamination.

U.S. EPA has determined that the Site conditions continue to meet the goals and the ICs continue to meet the objectives set forth in the 2001 ROD Amendment and the UAO. Based upon this review, including a review of an updated title search, U.S. EPA determined that the ICs are adequately implemented, monitored and enforced. As a result of this Five Year Review, the Institutional Controls Tracking System will be updated.

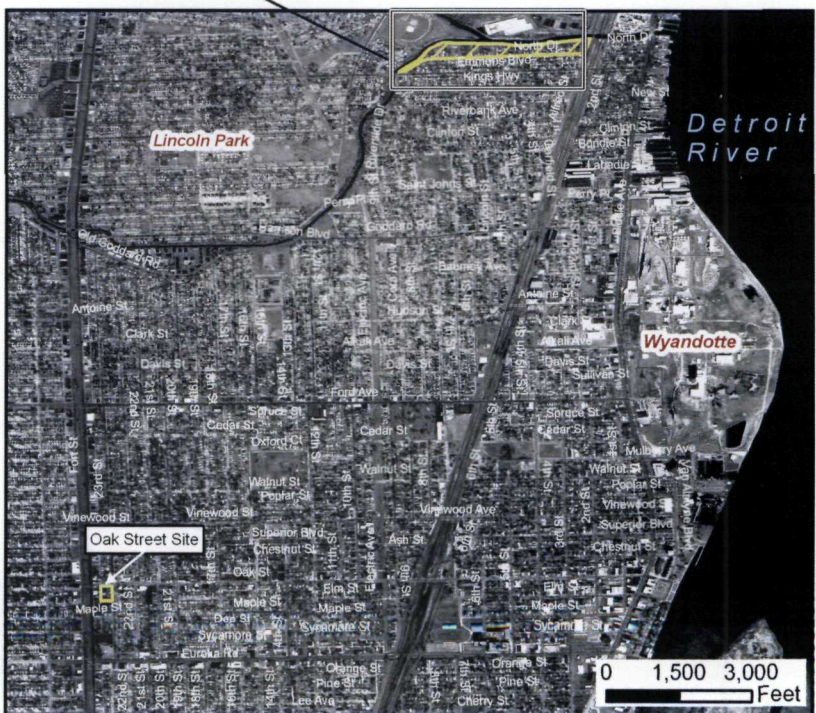
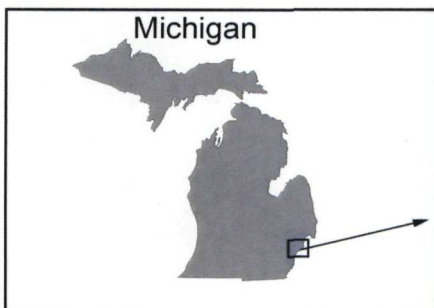
XI. Next Review

The next five year review for the Lower Ecorse Creek Dump Site (Park area) is required five years from the date of this review.

Attachment 1
Site Maps

Lower Ecorse Creek Dump, MI

Figure 1



Lower Ecorse Creek Dump Wyandotte, Michigan

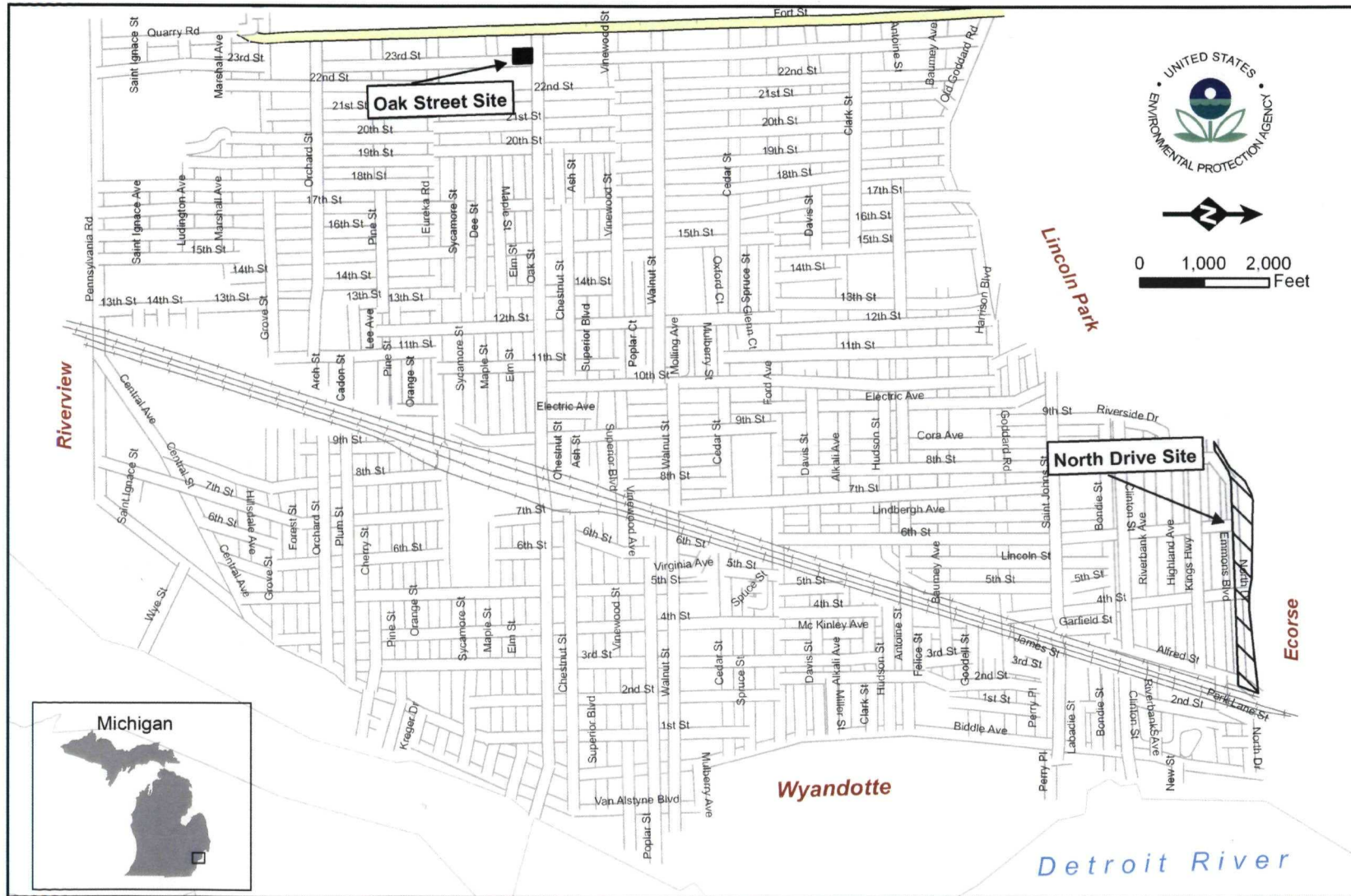


Figure 2

Created by Sarah Backhouse
U.S. EPA Region 5 on 1/18/06

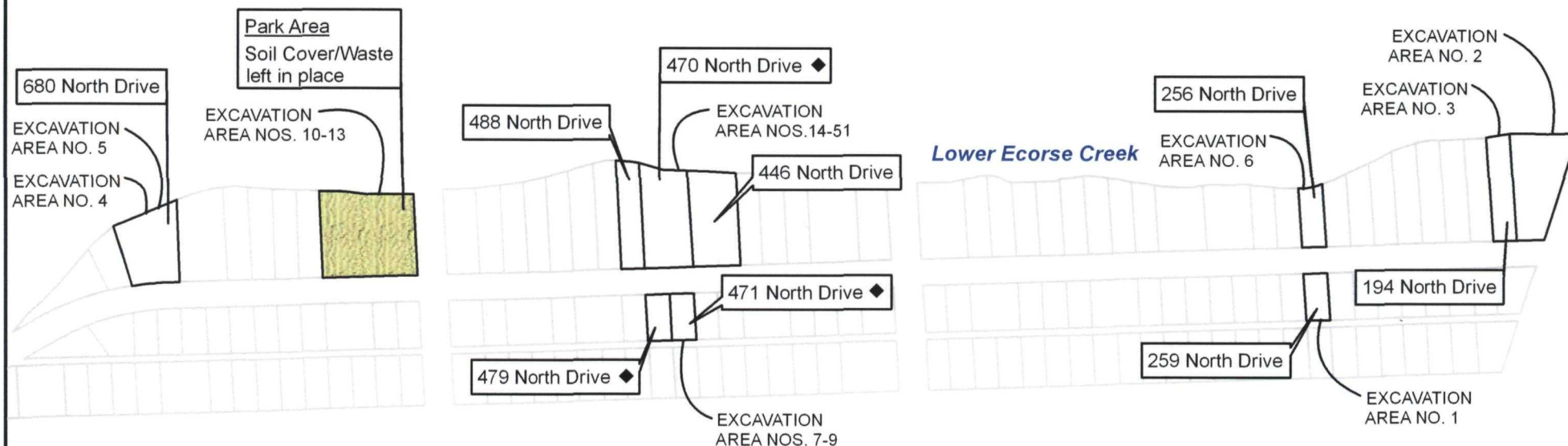




Lower Ecorse Creek Dump Park Area and Residential Excavation Areas Figure 3



Created by Sarah Backhouse
U.S. EPA Region 5 on 2/28/2006



 Park Area

◆ Properties with basement and foundation work



0 200 400 Feet



Attachment 2

Community Notice Advertisement

Friday and are available at the center. Call 1-734-324-7275 or 1-734-282-3720 for more information.

Checking in

The Tele-Care Program, sponsored by the Recreation Department, is intended to make life a little easier for senior citizens, covering many aspects of senior living.

Telephone calls are made daily to shut-ins just to chat

RIVERVIEW

CITY OF RIVERVIEW REGULAR CITY COUNCIL MEETING HELD ON JANUARY 3, 2006

The meeting was called to order at 7:30 p.m.

Presiding: Mayor Durand

Present: Councilmembers Blanchette, Rudicil, Swift, Elmer Trombley, James Trombley

Excused: Councilmember Coffey (working)

Also Present: City Manager Workman, City Clerk Bratcher, Attorney Pentiuik. Various Depart-

At this time the Mayor asked if anyone wished to address the City Council. No one spoke.

Approved the following items on the Consent Agenda by unanimous vote:

- Selected Projects for the 2006-07 Community Development Block Grant (CDBG) and approve the submission of the application to Wayne County.

PROJECT	FUNDING ALLOCATION
Senior Transportation/Programming	\$15,000.00
Senior Alliance	2,124.00
Planning - Master Plan	

AT A GLANCE

Food delivery needed

The city's Meals on Wheels program needs volunteer drivers to bring meals to shut-ins Monday through Friday mornings.

Call 1-734-324-7279.

Jack Kesterson, Mr. Robert Wells, Mr. John Dunn, Mr. Bo Schimers and Mr. Anthony DaPra.

• Riverview Vision: Mr. Jack Kesterson and Ray Wlodkowski.

Approved the Minutes of the Regular Council Meeting of Dec-

DETAILED MINUTES ARE AVAILABLE AT THE OFFICE OF THE CITY CLERK

Tim Durand, Mayor
Judith A. Bratcher, City Clerk
079-01296

or the "Big Game" ASS CATERING ★

PARTY PLATTERS

15 PIECE PLATTER \$20.99
(Foods 5-7 adults)

30 PIECE PLATTER \$39.99
(Foods 10-12 adults)

PARTY SUBS

2 FOOT SUB \$29.99 4 FOOT SUB \$49.99
(Foods 5-7 adults) (Foods 12-16 adults)

6 FOOT SUB \$74.99
(Foods 18-24 adults)

PHONE: 734.285.4520

FRESH. FAST. TASTY
JIMMY-LICIOUS!!!

ers and home
nto our group

me or mobile home
to-Owners Insurance

Price this
FREE
Quote & Gift

U.S. Environmental Protection Agency Announces a Five-Year Review of the Lower Ecorse Creek Dump Superfund Site Wyandotte, Michigan

EPA is conducting a five-year review of the cleanup at the Lower Ecorse Creek Dump Superfund site. The review is required to ensure that land-use and groundwater restrictions are in place, and the selected cleanup plan continues to protect people and the environment. This review is scheduled to be completed by July 13. The next five-year review will be in 2011.

Public comment is highly encouraged. Written comments should be postmarked no later than June 13.

Site information can be found at:

Bacon Memorial Library
45 Vinewood
Wyandotte

Written or oral comments should be addressed to Cheryl Allen. Additional site information can be requested from the team members listed below.

Brenda Jones
Remedial Project Manager
EPA Region 5 (SR-6J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-7188
jones.brenda@epa.gov

Cheryl L. Allen
Community Involvement
Coordinator
EPA Region 5 (P-9J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 353-6196
allen.cheryl@epa.gov

Toll free (800) 621-8431, 10 a.m. to 5:30 p.m. weekdays
084-01296

Attachment 3

List of Documents Reviewed

Documents Reviewed

- CERCLA Unilateral Administrative Order For Remedial Action in the Matter of Lower Ecorse Creek Superfund Site Wyandotte, Michigan. March 14, 2002.
- CH2MHill. 1996. *Remedial Investigation Report Lower Ecorse Creek, Wyandotte, Michigan*. February 1996.
- CH2MHill. 1996. *Feasibility Study Report Lower Ecorse Creek, Wyandotte, Michigan*. April, 1996.
- City of Wyandotte Declaration of Restrictive Covenant. April 15, 2002.
- U.S. EPA. 1996. *Record of Decision for the Lower Ecorse Creek Site, Wyandotte, Michigan*. July 17, 1996.
- U.S. EPA. 1998. *Superfund Preliminary Site Close Out Report, Lower Ecorse Creek Site, Wyandotte, Michigan*. September 1, 1998.
- U.S. EPA. 2000. *Remedial Action Report Lower Ecorse Creek, Wyandotte, Michigan*. September 20, 2000.
- U.S. EPA. 2001. *Record of Decision Amendment #1 Lower Ecorse Creek Superfund Site, Wyandotte, Michigan*. July 13, 2001.
- U.S. EPA. 2003. *2002 Remedial Action Report Lower Ecorse Creek Wyandotte, Michigan*. July 25, 2003.
- U.S. EPA. 2003. *Final Remedial Action Report Approval, September 20, 2000 Report as Amended by July 25, 2003 Report, Lower Ecorse Creek Site, Wyandotte, Michigan*. December 17, 2003.
- U.S. EPA. 2005. *Superfund Final Close Out Report, Lower Ecorse Creek Site, Wyandotte, Michigan*. January 28, 2005.

Attachment 4

Title Commitment

GRB Environmental Services, Inc.

Consulting Environmental Engineers and Scientists

One Penn Plaza – 25th Floor • New York, New York 10119 • Phone (212) 564-8640 • Fax (212) 564-8651 • www.grbenv.com

DCN: ESS III.003.021.ID.051

March 20, 2006

Mr. Fouad Dababneh
U.S. EPA Region 5, SR-6J
77 W. Jackson Boulevard
Chicago, IL 60604

Reference: EPA Contract No. EP-W-05-013; EPA Task Order No. 0003; Work Order No. 012706.IC21; Task A1a, Title Commitment – Lower Ecorse Creek Dump Site; Site ID No. 05GU

Dear Mr. Dababneh:

As directed in Work Order No. IC21 (WO), received on January 27, 2006 GRB Environmental Services, Inc. (GRB) has acquired the services of a title company to prepare a Title Commitment for the above-referenced site. The title commitment, prepared by Minnesota Title Company of Livonia, Michigan, is being submitted as a draft to allow EPA to review the document and provide comment.

As directed in the WO and in subsequent discussions with you, the title commitment was limited to the target area of the Lower Ecorse Creek Dump site known as the "Park". As an initial step in the project, TechLaw and GRB staff conducted a limited file review at the U.S. EPA Region 5 Records Center to determine if a title commitment or title search report had been conducted at the target site before. TechLaw staff determined that although title search reports had been prepared for other areas that comprise the Lower Ecorse Creek Dump Site, none had been prepared for the specific target site. TechLaw then conducted online research of county tax assessor records and determined the tax parcel identification number (PIN).

GRB identified several title companies in the Wyandotte area, via online research and calls to the Wyandotte banking and real estate communities. The identified companies were contacted by phone to verify their interest in preparing a title commitment for information purposes only, resulting in a list of five credible vendors. GRB then released a request for proposal to those vendors with a due date for the proposal of February 28, 2006. Four of the five companies then declined to respond to the RFP in spite of their

Mr. Fouad Dababneh
March 20, 2006
Page Two

original interest because their underwriters declined to participate in the project. The fifth firm, Minnesota Title Agency, without knowledge of or authorization by GRB prepared and submitted the Title Commitment on March 6, 2006.

Upon receipt of the Title Commitment, GRB contacted Minnesota Title to inform them that GRB had not yet authorized the work. An initial review of the commitment revealed that it did not provide supporting documentation as requested in the RFP. GRB informed Minnesota Title, that if they provided the backup documentation as required, GRB would submit the Title Commitment to U.S. EPA to determine if it met the Agency's needs. GRB, and of course U.S. EPA, are under no obligation to pay for the Title Commitment if it is not satisfactory. Minnesota Title concurred.

GRB has reviewed the enclosed Title Commitment and found that it appears to meet the standard established by U.S. EPA. It appears that the first exception could be deleted from Schedule B2 based on the attached documents, which show that the restrictive covenant has expired.

GRB will wait for a determination from U.S. EPA that the title commitment is acceptable. Please feel free to contact me at (847) 234-4823 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Ann L. Anderson". The signature is written in a cursive, flowing style.

Ann L. Anderson
GRB Task Order Manager

cc:
P. Parikh, EPA Region 5 (w/o attachment)
S. Bianchin, EPA Region 5
GRB ESS III File (TO-003)
Chicago Central Files (TO-003)

Old Republic National Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Commitment Date: **November 28, 2006,**
Issue Date: **March 03, 2006,**
2. Policy (or Policies) to be issued: POLICY AMOUNT
 - (a) ALTA OWNER'S POLICY **\$1,000.00**
Proposed Insured: **To Be Named Later**
 - (b) ALTA LOAN POLICY
Proposed Insured:
Proposed Borrower:
 - (c)
Proposed Insured:
3. **Fee Simple** interest in the land described in this Commitment is owned, at the Commitment Date, by **City of Wyandotte, A Michigan Municipal Corporation**
4. The land referred to in the Commitment is described as follows:

Lots 11, 12, 13 and 14, Emmon's Orchard Subdivision, as recorded in Liber 38, Page(s) 30 of Plats, Wayne County Records.

Countersigned
Minnesota Title Agency

By Michael A. Cuschieri
Michael A. Cuschieri

Old Republic National Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I REQUIREMENTS

Effective Date: **November 28, 2006,**

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or according to the mortgage to be insured.
- (b) Pay us the premium, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded:

Record deed from The City of Wyandotte, a Michigan Municipal Corporation to proposed purchaser.

- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

Old Republic National Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION II EXCEPTIONS

Effective Date: November 28, 2006,

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. **Building and use restrictions recorded in Liber 2022, Page 587, Register No. 824278 and in Liber 2694, Page 483, Register No. A61627, Wayne County Records which contain a right of reverter. Said right of reverter is terminated by instrument recorded in Liber 5051, Page 477, Register No. C304705, Wayne County Records. But, however, deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based upon race, color, religion, sex, handicap, familial status or national origin to the extent such matters violate 42 USC 3604(c).**
2. **Subject to the Riparian Rights of others in and to The Ecorse River which lies North of subject property, as shown on the recorded plat.**

Rights of the United States of America, State of Michigan, and the public as to any portion of the subject property lying below the ordinary high water mark of The Ecorse River. Riparian rights are neither guaranteed nor insured.

3. **Subject to the terms and conditions of a Declaration of Restrictive Covenant recorded in Liber 35958, Page 1128, Register No. 202-248661, Wayne County Records.**

**TAXES: Item No(s). 57-001-04-0011-000
2005 City exempt
2005 County exempt**

ASSESSMENTS: None.

Water bills are not examined. We will not insure against loss or damage arising from the failure to pay same.

Subject to taxes or assessments not shown as existing liens by public records, but which may have a retroactive lien date imposed by operation of law.

SDMS US EPA Region V

Imagery Insert Form

Some images in this document may be illegible or unavailable in SDMS.
Please see reason(s) indicated below:

X

Illegible due to bad source documents. Image(s) in SDMS is equivalent to hard copy.

Specify Type of Document(s) / Comments:

Some pages in Warranty Deed

Includes ___ COLOR or RESOLUTION variations.

Unless otherwise noted, these pages are available in monochrome. The source document page(s) is more legible than the images. The original document is available for viewing at the Superfund Records Center.

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Oversized ___ or ___ Format.

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Specify Type of Document(s) / Comments:

Document is available at the EPA Region 5 Records Center.

Specify Type of Document(s) / Comments:

DS02856
WARRANTY DEED

1918 PA 271

STATUTORY FORM - WAYNE COUNTY, MICHIGAN

KNOW ALL MEN BY THESE PRESENTS: That

HAROLD I. JACOBSON, and MAXINE A. JACOBSON, his wife,

County of Wayne, State of Michigan

THE CITY OF WYANDOTTE, a Municipal Corporation,

whose Board of Directors and President reside in

Wyandotte, Michigan

do hereby certify that the following described premises situated in the

City of

Wyandotte,

County of Wayne,

State of Michigan, to-wit: Lot 11, Emson's Orchard Subdivision, of part of Private Claim 114, Village of Ford and Monroe Township, Wayne County, Michigan. Recorded in Liber 36, Page 30 Plate Wayne County Records.

for the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS

subject to

Dated this Sixteenth day of

October

A.D. 19

Signed, Sealed and Delivered in Presence of

Witnesses

Joseph R. Davis
JOSEPH R. DAVIS
Lois L. Davis
LOIS L. DAVIS

Harold I. Jacobson
HAROLD I. JACOBSON
Maxine A. Jacobson
MAXINE A. JACOBSON

WITNESSES: Notary Public for the State of Michigan
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY 24, MICHIGAN

STATE OF MICHIGAN
County of Wayne

On this Sixteenth day of

October

A.D. 19

before me personally appeared HAROLD I. JACOBSON, and MAXINE A. JACOBSON, his wife,

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

My Commission expires October 5, 19

Joseph R. Davis
JOSEPH R. DAVIS

Notary Public for the State of Michigan

My office is located at the corner of the intersection of the streets of the City of Wyandotte, Michigan, and I am duly qualified and sworn to perform the duties of my office.

County of Wayne, Michigan

City of Wyandotte, Michigan

It is my duty to certify that the foregoing instrument is a true and correct copy of the original as the same appears to me, and that the same is duly recorded in the public records of the County of Wayne, Michigan.

Attest my hand and seal this 16th day of October, 19

JOSEPH R. DAVIS
Notary Public for the State of Michigan

Recorded in Liber 36, Page 30 Plate Wayne County Records

1918 PA 271

D915676

WARRANTY DEED

11970 PA 596

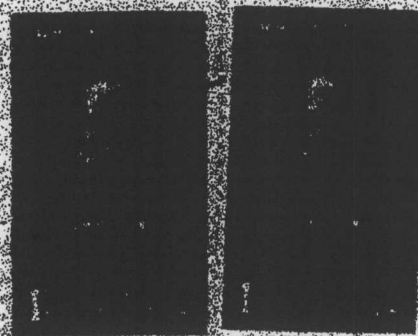
KNOW ALL MEN BY THESE PRESENTS, That ELEANOR TENNANT, aka ELEANOR TENNANT AULER, and HARRY L. FIEDLER, a married man

Convey and Warrant to the CITY OF WYANDOTTE, a Municipal Corporation

whose Street Number and Postoffice address is Wyandotte, Michigan

the following described premises situated in the City of Wyandotte County of Wayne, and State of Michigan, to-wit:

Lots numbered 12, 13 and 14, Ramons Orchard Subdivision, of Part of P. C. 113, Wyandotte, Wayne County, Michigan



for the sum of One (\$1.00) Dollar and other good and valuable considerations subject to any easements

Elizabeth D. Fiedler, wife of Harry L. Fiedler, hereby signs to release her dower rights.

Dated this 31st day of August A.D. 19 53.

Signed, Sealed and Delivered in Presence of:

Signed and Sealed:

June E. Tennant
June E. Tennant

Eleanor Fiedler Tennant
Eleanor Fiedler Tennant

Lee Auler
Lee Auler

Harry L. Fiedler (L.S.)
Harry L. Fiedler

Elizabeth D. Fiedler (L.S.)
Elizabeth D. Fiedler

(L.S.)

STATE OF MICHIGAN
COUNTY OF WAYNE

On this 31st day of August A.D. 19 53 before me personally appeared Eleanor Fiedler Tennant, aka Eleanor Tennant Auler, and Harry L. Fiedler and Elizabeth D. Fiedler, his wife to me known to be the persons so described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

My Commission expires Oct 8 A.D. 1955

Nelson L. Peters
Notary Public, Wayne County, Michigan
NELSON L. PETERS

PRINT TYPEWRITE OR STAMP

names of persons executing this instrument; also names of the Witnesses and Notary Public immediately underneath each signature. See, Act 103, P. A. 1937.

County Treasurer's Certificate

This is to certify that there are no tax liens or taxes on the property and that taxes are paid for FIVE YEARS previous to date of this instrument EXCEPT

to *Ward E. Stoll*
Wayne County Treasurer

JAN 7 1954

City Treasurer's Certificate

RECORDED JAN 7 1954 11 13 20 P.M.
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY 26, MICHIGAN

When recorded return to:

Ford Wagar, City Clerk
Wyandotte, Michigan

Offhand R. Gaylin, City Attorney, Sept 10, 1953

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1888

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

10815676

WARRANTY DEED

STATUTORY FORM

RECEIVED
JAN 7 1964
WAYNE COUNTY, MICHIGAN
REGISTERED
JAN 7 1964
WAYNE COUNTY, MICHIGAN

REGISTER OF DEEDS, WAYNE COUNTY, MICHIGAN
THIS INSTRUMENT WAS RECEIVED FOR RECORD
JAN 7 1964 11:20 A.M.
AND RECORDED IN WAYNE COUNTY RECORDS IN
VOLUME 111970 PAGE 597

BURTON ABSTRACT AND TITLE CO.

ABSTRACTS
TITLE INSURANCE—
ESCROWS

BURTON BUILDING
350 EAST CONGRESS STREET
DETROIT 26, MICHIGAN

WARRANTY DEED
STATUTORY FORM

The deed of the reverse side of this sheet
complies with the provisions of Act 187 P.A.
1881 (M.S.A. 26.571).

In using the form be sure that the follow-
ing instructions are observed:

1. Print, typewrite or stamp the names of
grantor, witnesses and notary below
nature: (Marked *).
2. Fill in the street and town or city
of the grantee (M.S.A. 26.1221).
3. Male grantors must indicate mar-
ital status (M.S.A. 26.581).
4. Grantor should affix the requir-
ed revenue stamps amounting to 55 cents
\$500 or fraction thereof of the ac-
quisition less any encumbrance not
by the sale. When the consideration
then \$100 no stamps are required.
5. The terms used in designating the
will determine whether the estate is
by the grantee as joint tenants, or
common, as tenants by entireties, or
of community property. The proper
to be used should be obtained from an
attorney.
6. If there is not sufficient space
face of the deed for all of the neces-
sary information, the remainder may be placed on the
side if the fact is clearly indicated on
the face of the deed.
7. All writing must be in black
blue ink as the deed must be pho-
tographed for the record and red, light green or
pink inks will not photograph satisfactorily.

FORM 1147

STATE OF MICHIGAN
Department of Health—Division of Vital Statistics
Form No. 100-100-01
Certificate of Death—Local Register

1. PLACE OF DEATH
County of WAYNE
City of DETROIT
2. FULL NAME OF DECEASED
3. DATE OF BIRTH (Month, Day and Year)
4. AGE (Years, Months, Days)
5. SEX
6. OCCUPATION
7. PLACE OF BIRTH (Country, State and County)
8. MARITAL STATUS
9. EDUCATION
10. RACE
11. BIRTHPLACE (Country, State and County)
12. BIRTHPLACE (Country, State and County)
13. BIRTHPLACE (Country, State and County)
14. BIRTHPLACE (Country, State and County)
15. BIRTHPLACE (Country, State and County)
16. BIRTHPLACE (Country, State and County)
17. BIRTHPLACE (Country, State and County)
18. BIRTHPLACE (Country, State and County)
19. BIRTHPLACE (Country, State and County)
20. BIRTHPLACE (Country, State and County)

1. DATE OF DEATH (Month, Day and Year)
2. TIME OF DEATH (Hour, Minute and Second)
3. PLACE OF DEATH (Street, City, State and Country)
4. CAUSE OF DEATH (Disease, Injury, Poison, etc.)
5. MANNER OF DEATH (Natural, Accidental, Suicidal, Homicidal, etc.)
6. SIGNATURE OF REGISTRAR
7. SIGNATURE OF WITNESSES
8. SIGNATURE OF DECEASED (If Living)

Liber 2022 Pg 58

Reg. No. 824278

Warranty Deed

Thomas H. Welch et al

to

Lawrence Fielder and wife

23rd Jan 5 2-30 P M
As proper certificate was
in compliance with Sec 8957 (amended)
of 1921

Otto Stoll
Register of Deeds

This Indenture made this 29th day of December in the year of our Lord one thousand nine hundred and twenty-four between Thomas H. Welch and Marion C. Welch his wife, John Welch and Elizabeth V. Welch, his wife, Horatio N. Hovey, Widower and John E. Gleason and Eleanor H. Gleason his wife all of the City of Detroit, Michigan, parties of the first part and Lawrence Fielder and Eleanor Fielder his wife of the same place, parties of the second part,

Witnesseth that the said parties of the first part for and in consideration of the sum of one dollar and other valuable considerations (\$1.00) to them in hand paid by the said parties of the second part the receipt whereof is hereby confessed and acknowledged do by these presents grant, bargain, sell, remise, release, alien and confirm unto said parties of the second part and their heirs and assigns forever all those certain pieces or parcels of land situate and being in the Village of Ford, County of Wayne and State of Michigan and described as follows, to-wit:

Lots 12-13-14 and 513 of Emmons Orchard subdivision of part of private claim one hundred thirteen (113) according to the plat recorded in the office of the Register of Deeds for said County of Wayne in liber 38 of plats page 30.

Restrictions: It is agreed that said premises are subject to the following restrictions which shall continue in force for twenty-five (25) years after May 1st, 1917 and upon breach of said restrictions the title of second parties in said premises shall terminate. No lot shall be sold to any person or persons other than descendants of the Caucasian race.

Lots fronting on Riverside Drive shall be restricted to buildings for residence purposes only and no building erected thereon shall cost less than twenty-five hundred dollars (\$2500) for a single family dwelling, five thousand dollars (\$5000) for a two-family dwelling or seven thousand and five hundred dollars (\$7500) for a four-family dwelling and no building more than two stories and a half in height shall be erected on this street.

Lots facing on Emmons Boulevard shall be restricted to single and two-family dwellings. Single dwellings to cost not less than thirty-five hundred dollars (\$3500); two-family dwellings to cost not less than six thousand dollars (\$6000); flats to be constructed of brick, or brick veneer with stone trim.

Lots facing on King's Highway shall be restricted to residence purposes only. No building erected thereon shall cost less than two thousand five hundred dollars (\$2500) for a single dwelling; four thousand dollars (\$4000) for a two-family dwelling; six thousand dollars (\$6000) for a four-family dwelling.

Lots facing on Highland Avenue between Perry avenue and Railroad shall be restricted to residence purposes only. Single dwellings to cost not less than two thousand dollars (\$2000); two-family dwellings not less than three thousand dollars (\$3000) and four-family dwellings not less than five thousand dollars (\$5000).

Lots facing on Highland Avenue between Riverside Drive and Cross street shall be restricted to residence purposes only. Single dwellings to cost not less than two thousand dollars (\$2000); two-family dwellings not less than three thousand dollars (\$3000) and four-family dwellings not less than five thousand dollars (\$5000).

On lots facing on Highland Avenue between Cross street and Perry Avenue no buildings

shall be erected to cost less than two thousand dollars, (\$2000) and may be used for business purposes.

No building or outbuilding to be erected of second-hand material and no building or portion thereof to be moved on the land excepting with the permission of the parties of the first part. All frame houses must be painted or stained at least two coats. The dwelling houses erected on said property shall have a full basement built to a grade not exceeding twenty inches above the front sidewalk grade and shall be erected at least twenty-five (25) feet from the front lot line on Emmons Boulevard and at least twenty (20) feet on Riverside Drive, King's Highway and Highland avenue between Riverside Drive and Cross street and on Highland avenue between Perry avenue and the Railroad,

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the said premises as hereindescribed with the appurtenances unto the said parties of the second part and to their heirs and assigns forever;

And the said parties of the first part for themselves, their heirs, executors and administrators do covenant, grant, bargain and agree to and with the said parties of the second part their heirs and assigns that at the time of the ensembling and delivery of these presents they are well seized of the above-granted premises in fee simple; that they are free from all incumbrances wharever except such as may have accrued thereon by or through the acts or negligence of any party or parties other than the said parties of the first part since September 23rd, 1919, the date of a certain contract in writing in fulfillment of which this deed is given, and that they will and their heirs, executors and administrators shall warrant and defend the same against all lawful claims whatsoever except as hereinbefore stated.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in presence of
Irene E. Saunders
Harold A. Dewey

(Corp Seal)

I.R.S. \$3.00

Thomas H. Welch (L.S.)

Marion C. Welch (L.S.)

John M. Welch (L.S.)

Elizabeth V. Welch (L.S.)

Horatio N. Hovey (L.S.)

John F. Gleason (L.S.)

Eleanor H. Gleason (L.S.)

By Union Trust Company.

Their Attorney in Fact.

By Chas. R. Dunn
Vice-President

Wm. B. McNally,
Assistant Secretary.

State of Michigan,
County of Wayne ss.

On this 29th day of December in the year one thousand nine hundred and twenty-four before me a Notary Public in and for said county personally appeared Chas. R. Dunn and Wm. B. McNally to me personally known, who being by me severally duly sworn did say that they are Vice-President and Assistant Secretary respectively of the Union Trust company a corporation created and existing under the laws of the State of Michigan of the City of Detroit, Wayne County, Michigan to me known to be the corporation which executed the foregoing instrument in behalf of Thomas H. Welch, Marion C. Welch, John M. Welch, Elizabeth V. Welch, Horatio N. Hovey, John F. Gleason, and Eleanor H. Gleason and the seal affixed to said instrument was the corporate seal of the said corporation and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Chas. R. Dunn and Wm. B. McNally acknowledged the

WARRANTY DEED

IS:MEJ

This instrument, made this 1st day of September in the year of our Lord one thousand nine hundred and twenty-seven

BETWEEN Thomas H. Welch and Marion C. Welch, his wife, John M. Welch and Elizabeth V. Welch, his wife, Horatio N. Hovey ~~and wife~~ ^{a widower} ~~and wife~~, and John E. Gleason and Eleanor H. Gleason, his wife, all of the City of Detroit, Michigan, parties of the first part, and

FRED J. SCOVILL,

of the same place,

part y of the second part,

~~Witnesseth~~, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations-----~~and~~

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do-----by these presents grant, bargain, sell, remise, release, alien and confirm unto said party of the second part, and his heirs and assigns, REVER all that certain piece or parcel of land situate and being in the Village of Ford, County of Wayne, in State of Michigan, and described as follows, to-wit:

LOT-----11----- of Emmons Orchard, Subdivision of part of Private Claim One Hundred Thirteen (113) according to the plat recorded in the office of the Register of Deeds for said County of Wayne in liber 38 of plats, page 30.

RESTRICTIONS: It is agreed that said premises are subject to the following restrictions, which shall continue in force for twenty-five (25) years after May 1st, 1917, and upon breach of said restrictions the title of second part y in said premises shall terminate. No fee shall be paid by any person or persons other than descendants of the Caucasian race.

Lots fronting on Riverside Drive shall be restricted to buildings for residence purposes only and no building erected thereon shall cost less than Twenty-five Hundred Dollars (\$2500) for a single family dwelling, Five Thousand Dollars (\$5000) for a two-family dwelling or Seven Thousand Five Hundred Dollars (\$7500) for a four-family dwelling, and no building more than two stories high shall be erected on this street.

Lots facing on Emmons Boulevard shall be restricted to single and two-family dwellings. Single dwellings to cost not less than Thirty-five Hundred Dollars (\$3500); two-family dwellings to cost not less than Six Thousand Dollars (\$6000); flats to be constructed of brick or better material with stone trim.

Lots facing on King's Highway shall be restricted to residence purposes only. No building erected thereon shall cost less than Two Thousand Five Hundred Dollars (\$2500) for a single dwelling; Four Thousand Dollars (\$4000) for a two-family dwelling; Six Thousand Dollars (\$6000) for a four-family dwelling.

Lots facing on Highland Avenue between Perry Avenue and Railroad shall be restricted to residence purposes only. Single dwellings to cost not less than Two Thousand Dollars (\$2000); two-family dwellings not less than Three Thousand Dollars (\$3000), and four-family dwellings not less than Five Thousand Dollars (\$5000).

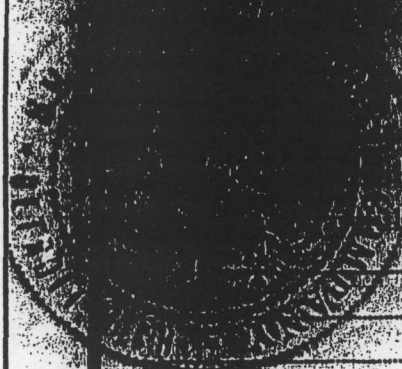
Lots facing on Highland Avenue between Riverside Drive and Cross Street shall be restricted to residence purposes only. Single dwellings to cost not less than Two Thousand Dollars (\$2000); two-family dwellings not less than Three Thousand Dollars (\$3000), and four-family dwellings not less than Five Thousand Dollars (\$5000).

On lots facing on Highland Avenue between Cross Street and Perry Avenue no building shall be erected to cost less than Two Thousand Dollars (\$2000), and may be used for business purposes.

No building or outbuilding to be erected of second-hand material and no building or portion thereof to be moved on the land, excepting with the permission of the parties of the first part. All frame houses must be painted or stained at least two coats. The dwelling houses erected on said property shall have a full basement built to a grade not exceeding twenty inches above the front sidewalk grade, and shall be erected at least twenty-five (25) feet from the front lot line on Emmons Boulevard and at least twenty (20) feet on Riverside Drive, King's Highway and Highland Avenue, between Riverside Drive and Cross Street, and on Highland Avenue between Perry Avenue and the Railroad.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: ~~To have and to hold~~ the said premises, as herein described, with the appurtenances unto the said part y of the second part, and to his heirs and assigns. **FOREVER:**

And the said parties of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part y of the second part his heirs and assigns, that at the time of the ensealing and delivery of these presents they are well seized of the above-granted premises in fee simple; that they are free from all incumbrances ~~whatever except such as may have accrued thereon since September 16, 1919, by or through the acts or negligence of others than the parties of the first part hereto.~~



and their heirs, executors and administrators shall **warrant and defend** the same claims whatsoever **except as hereinbefore stated.**

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of

[Signature: J. J. Turner]
[Signature: Mary J. Turner]

THOMAS H WELCH. (L. S.)
MARION C. WELCH. (L. S.)
JOHN M. WELCH. (L. S.)
ELIZABETH V. WELCH. (L. S.)
HORATIO N. HOVEY. (L. S.)
~~XXXXXXXXXXXX~~ (L. S.)
JOHN E. GLEASON. (L. S.)
ELEANOR H. GLEASON. (L. S.)

By Union Trust Company
Their Attorney in Fact.

By *[Signature: Merrill C. Adams]*
[Signature: W. B. McNally]
Assistant Secretary.

State of Michigan

COUNTY OF Wayne

On this 1st day of September
in the year one thousand nine hundred and twenty-seven, before me,
a Notary Public in and for said County personally appeared Merrill C. Adams

and W. B. McNally ~~XXXX~~ to me personally known, who being by me severally duly sworn did say that they are the Vice-President and Assistant Secretary respectively, of the Union Trust Company a Corporation created and existing under the laws of the State of Michigan, of the City of Detroit, Wayne County, Michigan, to me known to be the Corporation which executed the foregoing instrument in behalf of Thomas H. Welch, Marion C. Welch, John M. Welch, Elizabeth V. Welch, Horatio N. Hovey, ~~Merrill C. Adams~~, John E. Gleason and Eleanor H. Gleason, and the seal affixed to said instrument was the corporate seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors and the said Merrill C. Adams and W. B. McNally acknowledged the said instrument was executed by said Corporation as the free act and deed of said Thomas H. Welch, Marion C. Welch, John M. Welch, Elizabeth V. Welch, Horatio N. Hovey, ~~Merrill C. Adams~~, John E. Gleason and Eleanor H. Gleason

[Signature: Mary J. Turner]
Notary Public, Wayne County, Michigan.
Notary Public, Wayne County, Mich.
My Commission Expires Oct. 20, 1930

My commission expires

A 61627
Warranty Deed

[Signature: J. J. Turner]
[Signature: Mary J. Turner]
THOMAS H. WELCH, et al.

TO

FRED J. SCOVILLE
COUNTY TREASURER
CERT. FURNISHED

REGISTER'S OFFICE
WAYNE

This instrument was presented and received for Record, this SEP 21 1927 day of September A.D. 1927 at 11:30 clock A.M., and Recorded in Liber 694 of Deeds, on Page 483

PAID 1.50
[Signature: Fred J. Scoville]
2214 W. 9th St.

WAIVER AND CANCELLATION OF A CERTAIN RESTRICTION CLAUSE

C304705

THIS AGREEMENT executed this 25 day of July,
A.D.1938, between THOMAS H. WELCH, widower, survivor of his de-
ceased wife, Marion C. welch, JOHN M. WELCH and ELIZABETH V. WELCH,
his wife, ELEANOR H. GLEASON, ANNE HOVEY TYSON, SILA H. HEWITT,
WILLARD M. HOVEY, the last four named being all the heirs-at-law
of Horatio N. Hovey and Nellie M. Hovey, his wife, both deceased,
and HARRIET B. HOVEY, wife of Willard M. Hovey, JOHN E. GLEASON and
ELEANOR H. GLEASON, his wife;

WITNESSETH, That the above parties now, or formerly,
having an interest in the following described property, waive, 're-
lease and cancel a certain restriction clause in connection with
said premises, which clause reads as follows: "Upon breach of said
restrictions the title of the second parties in said premises shall
terminate." As to all other restrictions covering said subdivision,
they shall remain in full force and effect.

The property affected by this waiver and cancellation
is all of Emmora Orchard Subdivision of part of private claim 113,
according to the plat recorded in Liber 30 of Plats, page 30, Wayne
County Records.

In presence of

Emily L. Hargrave

Leonard F. Welch

Witness

Thomas H. Welch

John M. Welch

Elizabeth V. Welch

Eleanor H. Gleason

Anne Hovey Tyson

Sila H. Hewitt

Willard M. Hovey

Harriet B. Hovey

John E. Gleason

Eleanor H. Gleason

COUNTY OF WAYNE

83

Before me, the subscriber, a Notary Public, in and
for said County, this 25 day of July, A.D.1938, person-
ally appeared Thomas H. Welch, widower, John M. Welch and
Elizabeth V. Welch, his wife, Eleanor H. Gleason, Anne H. Tyson,
Sila H. Hewitt, Willard M. Hovey, Harriet B. Hovey, John E.
Gleason and Eleanor H. Gleason, his wife,

known to me to be the person described in and who executed the
foregoing instrument, and acknowledged the execution thereof to be
their free act and deed.

Evelyn S. Jungwirth
Notary Public, Wayne County, Michigan
Evelyn S. Jungwirth

My commission expires Aug 19, 1940
A.D., 1940

(304705)
WALVER AND CANCELLATION

of a

WALVER AND CANCELLATION

Registers of Deeds (State)
Wayne County
This instrument was recorded for copy
this 23 day of July, 1938
at 23 of said July, 1938 recording in
Book 100 Page 100
J. H. C. Still
Deputy of County

Burton Abstract &
Title Company

02061829 APR 15 2002

ATTACHMENT 3

DECLARATION OF RESTRICTIVE COVENANT

This Restrictive Covenant has been recorded with the Wayne County Register of Deeds for the purpose of protecting public health, safety and welfare and the environment.

On July 13, 2001, the United States Environmental Protection Agency (U.S. EPA) issued a Record of Decision Amendment #1 (ROD) selecting institutional controls as the remedy for the approximately one acre parcel of property owned by the City of Wyandotte and located at 610 North Drive, Wyandotte, Wayne County, Michigan, (Property) which is depicted in the attached property survey and more particularly described as:

Lots 11, 12, 13 and 14 Emmons Orchard Subdivision of part of PC 113 Ecorse Twp T3S R11E as recorded in Liber 38, Page 30 WCR

Property Tax ID Number of Property: 57-001-04-0011-000

As used herein, the term "Owner" shall mean at any given time the then current title holder of the Property.

NOW THEREFORE the City of Wyandotte, in accordance with the ROD and U.S. EPA's [insert date] Unilateral Administrative Order (UAO) issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9606(a), hereby imposes restrictions on the Property and covenants and acknowledges that an approximately six foot thick layer of debris exists under most of the Property and is covered by approximately three feet of clean fill material. In the ROD, U.S. EPA determined that continuous isolation of this waste layer is necessary for protection of human health and the environment. Accordingly, the Owner shall restrict the uses of the Property to uses compatible with the remedy selected in the ROD specifically including:

1. The Owner shall restrict activities at the Property that may interfere with a remedial action, operation and maintenance, monitoring, or other measures necessary to assure the effectiveness and integrity of the remedial action:

2. The Owner shall not allow extraction of any groundwater for domestic or industrial use through a well or any other device located within the Property.

3. The Owner shall at all times ensure isolation of the waste layer by continuously implementing the operation and maintenance requirements set forth in paragraph 31 of U.S. EPA's February 12, 2002 UAO and Appendix A to this Restrictive Covenant.

4. The Owner shall provide notice to U.S. EPA and the Michigan Department of Environmental Quality (MDEQ) of the Owner's intent to convey any interest in the Property 30 days prior to consummating the conveyance. A conveyance of title, an easement, or other interest in the Property shall not be consummated by the Property owner without adequate and complete provision for compliance with the terms and conditions of this Covenant.

Not 18 42 4000 5 28

Liber-35958

Page-1128

202248661

4/15/2002

Bernard J. Younablood, W.C. Rod

5. The Owner shall grant to U.S. EPA, the MDEQ and each Agency's designated representatives the right to enter the Property at reasonable times for the purpose of monitoring compliance with the ROD and UAO, including the right to take samples, inspect the operation of the remedial action measures and inspect records.

This Restrictive Covenant shall run with the Property and shall be binding upon all future owners, successors, lessees or assigns and their authorized agents, employees, or persons acting under their direction and control, and shall continue until U.S. EPA or its successor approves modifications or rescission of this Restrictive Covenant. A copy of this Restrictive Covenant shall be provided to all future owners, heirs, successors, lessees, assigns and transferees by the person transferring the interest.

If any provision of this Restrictive Covenant is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof. All such other provisions shall continue unimpaired in full force and effect.

The undersigned person executing this Restrictive Covenant is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

IN WITNESS WHEREOF, the said Owner of the above-described Property has caused this Restrictive Covenant to be executed on this 1st day of April, 2002.



Leonard T. Sabuda, Mayor

City of Wyandotte, 3131 Biddle Avenue, Wyandotte, MI 48192

Signed in the presence of:



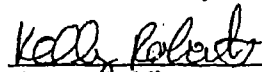
Witness, Mark A. Kowalewski



Witness, Kelly Roberts

STATE OF MICHIGAN
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this 1st day of April, 2002, by Leonard T. Sabuda, Mayor of the City of Wyandotte, a Michigan Municipal Corporation, on behalf of the City of Wyandotte.



Notary Public

Kelly Roberts

Wayne County, Michigan

My Commission Expires: February 13, 2005

1
DRAFTED & RETURN TO:
WILLIAM R. LOOK
2241 OAK STREET
WYANDOTTE, MI 48192

ATTACHMENT A to RESTRICTIVE COVENANT

In the course of routine maintenance of the Property (e.g., lawn mowing, garbage collection), the owner shall inspect the Property for any conditions which may, in the course of recreational use or precipitation events, erode the approximately three foot layer of clean fill material. The inspections shall include the following tasks:

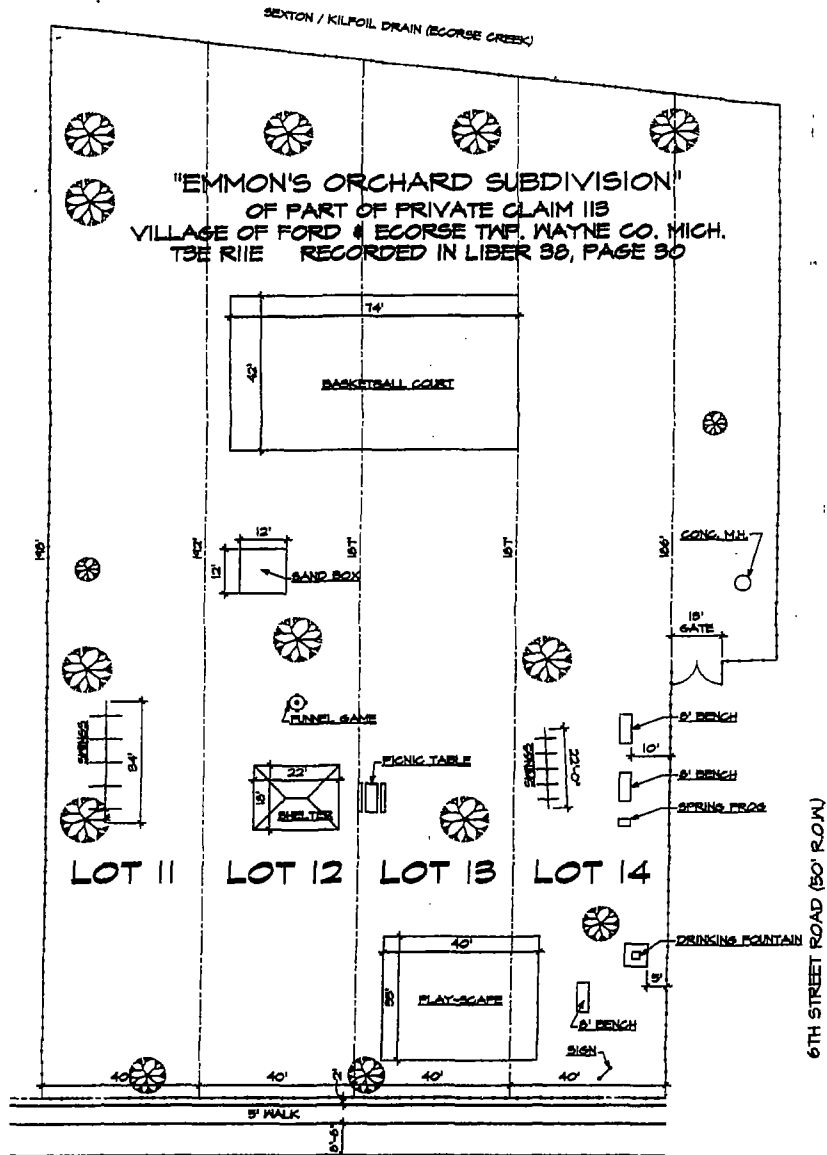
(1) observing whether the vegetative cover is sufficient to prevent erosion in areas not covered by impermeable materials.

(2) observing whether groundwater is being extracted for domestic or industrial use through a well or any other device located within the Park Area property.

(3) observing whether any excavation or erosion on the property has exceeded eighteen inches in depth. The owner must provide U.S. EPA with written notification if, during the course of any excavation work or other activity, the layer of waste material is exposed. Such notification shall include a description of the corrective measures taken to restore the clean soil exposure barrier to the original ground surface elevation. The owner must follow appropriate health and safety procedures before undertaking any excavation or other activities that will exceed eighteen inches in depth.

(4) observing whether there is any other condition which may be inconsistent with the remedy selected in the ROD, which requires maintenance of a clean soil exposure barrier above the debris.

(5) observing whether any corrective measures (e.g., reseedling, adding soil) are necessary to maintain the exposure barrier of approximately three feet of clean soil. In the event corrective measures are necessary for any excavation or erosion on the property which has exceeded eighteen inches in depth, the Owner and any subsequent owner shall create and retain a written record documenting implementation of the corrective measure. The Owner and any subsequent owner shall restore all excavation and erosion areas to the original ground surface elevation as soon as practicably possible.



60' R.O.W. NORTH DRIVE



CITY OF MIANDOTTE DEPARTMENT OF ENGINEERING	
5151 BIDDLE AVENUE MIANDOTTE, MI 48142	PHONE: (734) 524-1551 FAX: (734) 524-1555
KIMANIS 1000 PARK 610 NORTH DRIVE	
CHECKED BY:	DATE: 8/21/02
DRAWN BY: BOB D.	SCALE: 1" = 50'
CITY ENGINEER: MARK A. KOVALENSKI	1 OF 1

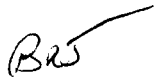
Attachment 5

Site Inspection Report and Photos Documenting Site Conditions

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

Date: April 11, 2006

Subject: Five Year Review Site Inspection for Lower Ecorse Creek Superfund
Dump Site

From: Brenda Jones, RPM 

To: Lower Ecorse Creek Dump Site File

On March 23, 2006, I performed an inspection of the Lower Ecorse Creek Dump Superfund Site. Also present and assisting in the inspection were Janet (Sunny) Krajcovic, Project Manager, Michigan Department of Environmental Quality (MDEQ) and Greg Mayhew, Assistant City Engineer, City of Wyandotte, Michigan.

First, I performed a visual inspection of the North Drive portion of the site. Then I inspected the document repository at the Bacon Memorial Library. At approximately 1:00 pm, I met up with Ms. Krajcovic and Mr. Mayhew at the Park Area. We walked over the entire Park. We attempted to walk the shoreline along the creek, but the dense vegetation along the creek prevented us from walking there. We finished the inspection with a brief stop at the Oak Street Site.

Observations:

Documents in the repository were well maintained and accessible with the assistance of library staff. The repository is stored in a protected area of the library easily accessible through a sign-in/sign-out process. The librarian I spoke with was aware of the repository and knew that no one had accessed the documents in the recent past. All necessary documents were present, well-kept and organized.

At the Park Area, there was no visual evidence of cracking, sliding, settling or breaches of the protective layer of soil. The area was fenced on two sides with 6 foot chain link fencing and on two sides with ornamental wood fencing (see attached pictures). This fencing is acceptable since there is no need to restrict public access to the park. In fact, when we first arrived, there was an adult and toddler taking advantage of the park's swing sets.

Since dense vegetation precluded us from walking the creek shoreline, we walked the shoreline inside of the fence on the park property. There was no visual evidence of erosion of subsurface materials in to the creek.

The protective cover appears to be in good shape.

The Oak Street location had been raised; all buildings were gone. There was heavy machinery present and Mr. Mayhew informed us that the redevelopment would be commercial rather than residential in nature.

Issue:

There were numerous dead fish in the creek and washed up on the shore of the park. The fish appeared to be just as numerous upstream as downstream. Mr. Mayhew informed us that the fish, gizzard shad, are quite susceptible to temperature changes and most likely died as a result of exposure to changes in temperature that are common in spring. Within a day or so of the site visit, both MDEQ and U.S. EPA received an email from a concerned citizen on the fish kill near the site. As Ms. Krajcovic was already investigating the fish issue, she replied to the citizen with the following:

"The U.S. EPA and myself conducted a site visit on March 23, 2006 and did notice dead fish in the creek. We talked to the city manager and inquired as to the problem. He indicated that the fish kill was a normal occurrence and was told that it was due to the drastic changes in temperature. Upon returning to the office I checked with our DNR District Fisheries Biologist and discussed the problem, his name is Gary Towns. He indicated that the fish are gizzard shad and are very susceptible to temperature change in the spring. Gary advised me that fish were collected and sent in for analysis due to the blood spots on them and he will advise me as to the results.

Everyone I talked to was very aware of the fish kill and felt that the site did not cause the problem. I will forward the results of the fish analysis if there is a problem."

Therefore, U.S. EPA is satisfied that the fish kill is a result of temperature changes and not due to some problems with the Lower Ecorse Creek Dump Superfund Site. If MDEQ finds some anomalies with the fish data, it will be investigated.

Lower Ecorse Creek Dump Site, Wyandotte, Mi



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northwest



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northwest



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northeast

Lower Ecorse Creek Dump Site, Wyandotte, Mi



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northeast



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northwest



Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: North

Lower Ecorse Creek Dump Site, Wyandotte, Mi



**Subject: Overview of Park Area
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: North**

**Subject: North Drive Area of Site
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: East**



**Subject: North Drive
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: East**

Lower Ecorse Creek Dump Site, Wyandotte, Mi



**Subject: North Drive
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: East**



**Subject: Oak Street Site
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Southwest**



**Subject: Oak Street Site
Photographer: Brenda R. Jones
Date: March 23, 2006
Direction: Northwest**

Appendix 1
City of Wyandotte Michigan
Declaration of Restrictive Covenant

FINK, ZAUSMER & KAUFMAN, P.C.

ATTORNEYS AT LAW

CHICAGO, ILLINOIS 60604

Leasing Office

June 13, 2002

Mr. Brian Barwick
77 West Jackson Blvd.
Chicago, IL 60604

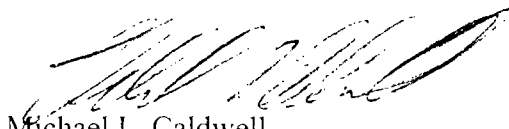
Re: City of Wyandotte UAO
Our File No. 371

Dear Mr. Barwick:

Enclosed is a copy of the Declaration of Restrictive Covenant filed by the City with the Wayne County Register of Deeds as required by the above-referenced UAO. Please call me if you have any questions.

Very truly yours,

FINK, ZAUSMER & KAUFMAN, P.C.



Michael L. Caldwell

MLC/smw
Enclosures

2061829 APR 15 2002

ATTACHMENT 3

DECLARATION OF RESTRICTIVE COVENANT

This Restrictive Covenant has been recorded with the Wayne County Register of Deeds for the purpose of protecting public health, safety and welfare and the environment.

On July 13, 2001, the United States Environmental Protection Agency (U.S. EPA) issued a Record of Decision Amendment #1 (ROD) selecting institutional controls as the remedy for the approximately one acre parcel of property owned by the City of Wyandotte and located at 610 North Drive, Wyandotte, Wayne County, Michigan, (Property) which is depicted in the attached property survey and more particularly described as:

Lots 11, 12, 13 and 14 Emmons Orchard Subdivision of part of PC 113 Ecorse Twp T3S R11E as recorded in Liber 38, Page 30 WCR

Property Tax ID Number of Property: 57-001-04-0011-000

As used herein, the term "Owner" shall mean at any given time the then current title holder of the Property.

NOW THEREFORE the City of Wyandotte, in accordance with the ROD and U.S. EPA's [insert date] Unilateral Administrative Order (UAO) issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9606(a), hereby imposes restrictions on the Property and covenants and acknowledges that an approximately six foot thick layer of debris exists under most of the Property and is covered by approximately three feet of clean fill material. In the ROD, U.S. EPA determined that continuous isolation of this waste layer is necessary for protection of human health and the environment. Accordingly, the Owner shall restrict the uses of the Property to uses compatible with the remedy selected in the ROD specifically including:

1. The Owner shall restrict activities at the Property that may interfere with a remedial action, operation and maintenance, monitoring, or other measures necessary to assure the effectiveness and integrity of the remedial action.

2. The Owner shall not allow extraction of any groundwater for domestic or industrial use through a well or any other device located within the Property.

3. The Owner shall at all times ensure isolation of the waste layer by continuously implementing the operation and maintenance requirements set forth in paragraph 31 of U.S. EPA's February 12, 2002 UAO and Appendix A to this Restrictive Covenant.

4. The Owner shall provide notice to U.S. EPA and the Michigan Department of Environmental Quality (MDEQ) of the Owner's intent to convey any interest in the Property 30 days prior to consummating the conveyance. A conveyance of title, an easement, or other interest in the Property shall not be consummated by the Property owner without adequate and complete provision for compliance with the terms and conditions of this Covenant.

Liber-35958

Page-1128

202248661

4/15/2002

Bernard J. Youngblood, W.C. Rod


5. The Owner shall grant to U.S. EPA, the MDEQ and each Agency's designated representatives the right to enter the Property at reasonable times for the purpose of monitoring compliance with the ROD and UAO, including the right to take samples, inspect the operation of the remedial action measures and inspect records.

This Restrictive Covenant shall run with the Property and shall be binding upon all future owners, successors, lessees or assigns and their authorized agents, employees, or persons acting under their direction and control, and shall continue until U.S. EPA or its successor approves modifications or rescission of this Restrictive Covenant. A copy of this Restrictive Covenant shall be provided to all future owners, heirs, successors, lessees, assigns and transferees by the person transferring the interest.

If any provision of this Restrictive Covenant is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof. All such other provisions shall continue unimpaired in full force and effect.

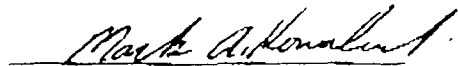
The undersigned person executing this Restrictive Covenant is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

IN WITNESS WHEREOF, the said Owner of the above-described Property has caused this Restrictive Covenant to be executed on this 1st day of April, 2002.



Leonard T. Sabuda, Mayor
City of Wyandotte, 3131 Biddle Avenue, Wyandotte, MI 48192

Signed in the presence of:



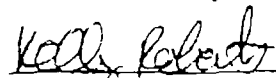
Witness, Mark A. Kowalewski



Witness, Kelly Roberts

STATE OF MICHIGAN
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this 1st day of April, 2002 by Leonard T. Sabuda, Mayor of the City of Wyandotte, a Michigan Municipal Corporation, on behalf of the City of Wyandotte



Notary Public

Kelly Roberts

Wayne County, Michigan

My Commission Expires: February 13, 2005

DRAFTED & RETURN TO:
WILLIAM R. LOOK
2241 OAK STREET
WYANDOTTE, MI
48192

ATTACHMENT A to RESTRICTIVE COVENANT

In the course of routine maintenance of the Property (e.g., lawn mowing, garbage collection), the owner shall inspect the Property for any conditions which may, in the course of recreational use or precipitation events, erode the approximately three foot layer of clean fill material. The inspections shall include the following tasks:

(1) observing whether the vegetative cover is sufficient to prevent erosion in areas not covered by impermeable materials.

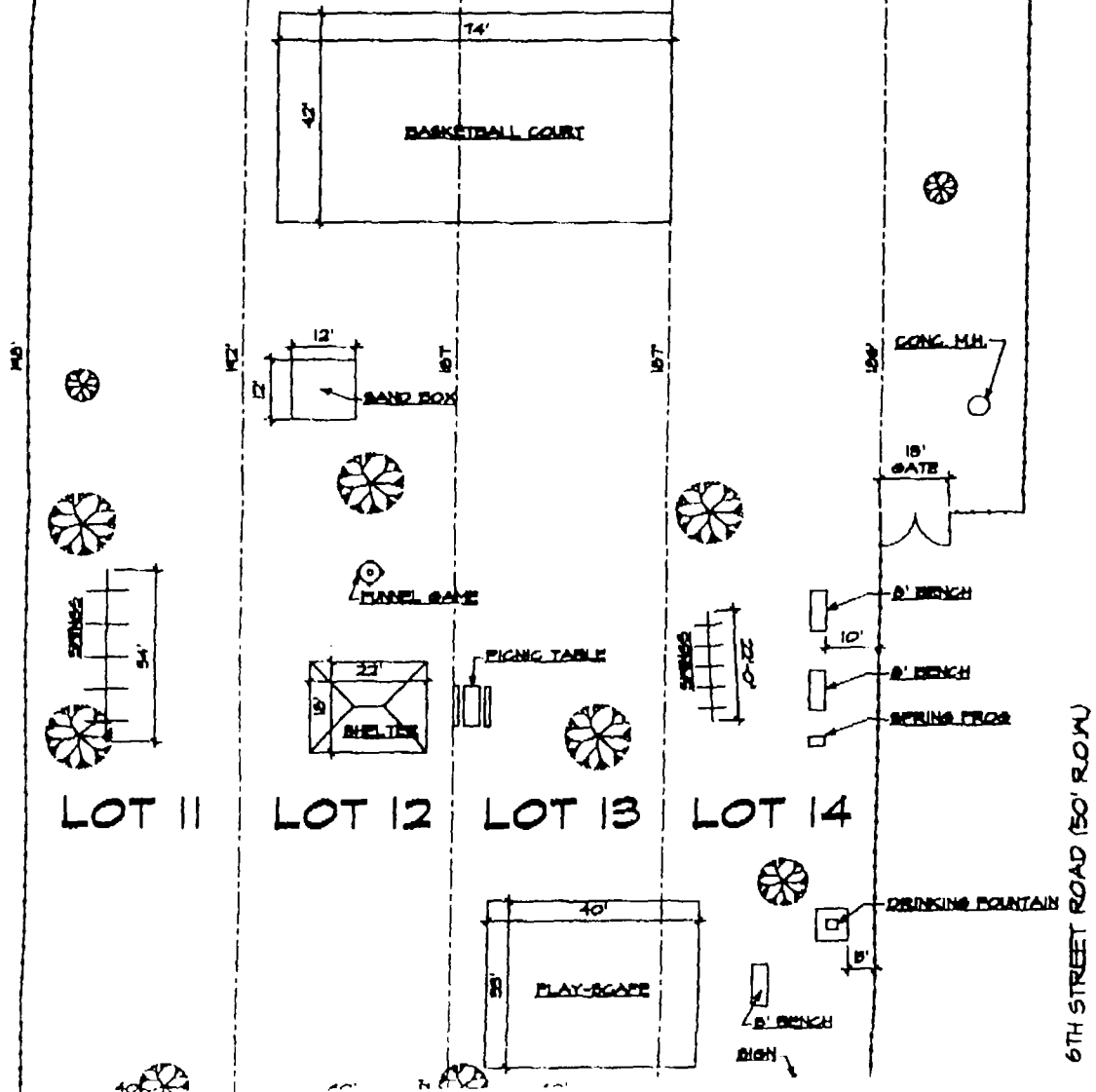
(2) observing whether groundwater is being extracted for domestic or industrial use through a well or any other device located within the Park Area property.

(3) observing whether any excavation or erosion on the property has exceeded eighteen inches in depth. The owner must provide U.S. EPA with written notification if, during the course of any excavation work or other activity, the layer of waste material is exposed. Such notification shall include a description of the corrective measures taken to restore the clean soil exposure barrier to the original ground surface elevation. The owner must follow appropriate health and safety procedures before undertaking any excavation or other activities that will exceed eighteen inches in depth.

(4) observing whether there is any other condition which may be inconsistent with the remedy selected in the ROD, which requires maintenance of a clean soil exposure barrier above the debris.

(5) observing whether any corrective measures (e.g., reseeding, adding soil) are necessary to maintain the exposure barrier of approximately three feet of clean soil. In the event corrective measures are necessary for any excavation or erosion on the property which has exceeded eighteen inches in depth, the Owner and any subsequent owner shall create and retain a written record documenting implementation of the corrective measure. The Owner and any subsequent owner shall restore all excavation and erosion areas to the original ground surface elevation as soon as practicably possible.

"EMMON'S ORCHARD SUBDIVISION"
OF PART OF PRIVATE CLAIM 113
VILLAGE OF FORD & ECORSE TWP. WAYNE CO. MICH.
TSE R11E RECORDED IN LIBER 98, PAGE 90



Appendix 2

Comments received from Support Agencies and/or the community



"Janet (Sunny) Krajcovic"
<KRAJCOVJ@michigan.gov>

To

Subject Fwd: Lower Ecorse Creek: Cmts to Draft 5-Year Rev Rpt

05/10/2006 07:45 AM

History:

☞ This message has been replied to.

I have attached comments from my geologist on the 5-year review. I will provide you with a formal letter and include them tomorrow but thought I would just ship them off like they are so you can proceed.

Sunny

Sunny Krajcovic
Environmental Quality Analyst
MDEQ-RRD-Superfund Section
P.O. Box 30426
Lansing, MI 48909
Phone 517-241-8857
FAX 517-335-4887

>>> Matthew Baltusis 05/04/06 4:15 PM >>>

I have reviewed the first draft of the document titled "Draft First Five-Year Review Report for Lower Ecorse Creek Dump Site, Wyandotte, Wayne County, Michigan" dated (date from the cover letter) April 11, 2006 and have the following comments:

(1) Page 4, Executive Summary, 3rd and 4th paragraphs: The text states "This Five Year Review therefore, focuses on the portion of the remedy addressed in the 2001 ROD amendment." The 2001 ROD amendment states the use of institutional controls and monitoring and maintenance of the clean fill cover as the remedy for the Wyandotte Park. Residential basements were also affected by the contamination. Remedial action was performed to address the contamination in the basements. Please explain why the status of the final remedy for the residential basements was omitted from the Five Year Review Report.

(2) General Comment: Please explain why an inspection of the affected residential basements was not performed. Photos and an inspection report of the basements should be included in this Fiver Year Review Report.

Let me know if you have any questions.

Matthew Baltusis
517-335-3140



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

Reply to the Attention Of
SR-6J

May 16, 2006

Sunny Krajcovic
MDEQ-RRD-Superfund Section
P.O. Box 30426
Lansing, MI 48909

Re: Response to comments on *First Five-Year Review Report for Lower Ecorse Creek Dump Site, Wyandotte, Wayne County, Michigan*

Dear Ms. Sunny Krajcovic:

On May 10, 2006 United States Environmental Protection Agency (USEPA) received comments from Michigan Department of Environmental Quality on the *First Five-Year Review Report for Lower Ecorse Creek Dump Site, Wyandotte, Wayne County, Michigan*. USEPA received these comments electronically via email. USEPA's response to MDEQ's two comments is listed below.

MDEQ Comment: (1) Page 4, Executive Summary, 3rd and 4th paragraphs: The text states "This Five Year Review therefore, focuses on the portion of the remedy addressed in the 2001 ROD amendment." The 2001 ROD amendment states the use of institutional controls and monitoring and maintenance of the clean fill cover as the remedy for the Wyandotte Park. Residential basements were also affected by the contamination. Remedial action was performed to address the contamination in the basements. Please explain why the status of the final remedy for the residential basements was omitted from the Five Year Review Report.

USEPA Response: As stated in the document on page 4 (paragraph 2) and in Section IV Remedial Actions, the 1996 ROD addressed both surface and subsurface soil cyanide contamination, and site restoration. The remedy included the following major components:

- Excavation and disposal of shallow and deep contaminated soil;
- Resampling of locations identified in the Remedial Investigation which showed contaminant levels above cleanup standards to determine the extent of contamination; and,
- Restoration of residential areas affected by excavation.

All residential basements that needed remediation were addressed under the direction of the 1996 ROD.

Page 9, section III, paragraph 3 quotes the ROD, which states "The 1996 ROD for the site states that because the selected remedy will not result in hazardous substances remaining on-site above health-based levels, the five year review will not apply to this action. Therefore, it is only the Park area, described in the 2001 ROD amendment that forms the basis for this five year review. All other portions of the site are allowed unlimited use and unrestricted access."

Also on page 9, section III, paragraph 4 quotes the 2005 Final Close Out Report (USEPA 2005) for the site that states "The five-year review will include an evaluation of the effectiveness of the deed restrictions on the park area property, and the condition of the soil cover."

Therefore the Five-Year Review does not include an evaluation of the status of the residential basements since there is unlimited use and unrestricted access. A Five-Year review of the basements is not required.

MDEQ Comment: (2) General Comment: Please explain why an inspection of the affected residential basements was not performed. Photos and an inspection report of the basements should be included in this Fiver [sic] Year Review Report.

USEPA Response: please see USEPA response to MDEQ comment #1.

Upon receipt of these responses, please let me know if MDEQ concurs with the *First Five-Year Review Report for Lower Ecorse Creek Dump Site, Wyandotte, Wayne County, Michigan*.

Should you have any questions or wish to discuss this further, please do not hesitate to contact me at (312) 886-7188 or via email at jones.brenda@epa.gov.

Sincerely,


Brenda R. Jones
Remedial Project Manager